

ISSA Proceedings ~ Argumentative Moves In An Inquisitive Context About Psychological Harassment In The Workplace: A Case Study In Québec

Abstract: We summarize a recently (2013) completed doctoral research, which analyzed and commented a series of interviews led by four public servants, the mission of which was to ascertain admissibility for further inquiry, of claims of psychological harassment on the workplace by complainants, in Québec province (Canada). We combine with Argumentation and Rhetoric tools and concepts a Conversation Analysis (CA) perspective, showing how meaning obtains in speech acts constructed in interaction.

Keywords: Interviews, psychological harassment, argumentation, conversation analysis, rhetoric, admissibility, speech acts

1. *Introduction*

This proposal looks at argumentative strategies between complainants and investigators around harassment issues at work. A recently (2013) completed doctoral research analyzed and commented, from an argumentative point of view, a very specific corpus: a series of four interviews, totalizing ten hours, led by four public servants, the mission of which was to ascertain a first recognition of validity for further inquiry, of claims of psychological harassment on the workplace by complainants, in Québec province (Canada). The interviews having taken place in 2006, using a convention taking back accepted notations. One interesting theoretical achievement done in the research is probably to combine a Conversation Analysis (CA) perspective, claiming that meaning obtains in speech acts constructed in interaction, with argumentative figures and cues taken in Aristotle, Perelman, Walton and Van Eemeren.

In the context of a doctoral research in philosophy (Ph.D.), we wanted to study

specific discourses that certainly have a rhetorical dimension: claims of psychological harassment presented by plaintiffs and their treatment by investigators. Different conceptual and methodological tools have been used, which are coming from rhetoric, argumentation studies and also from Conversation Analysis (CA). The notions of *logos*, *ethos* and *pathos* were examined and used in the analysis of a corpus of scripts of taped argumentative exchanges, between complainants and investigators; details and conventions utilized are given below. We will start by providing the social and professional context of the study, recall briefly Aristotle's notions, then look at Perelman's notion of the audience's adhesion, with some contributions of Van Eemeren and Walton; we will limit ourselves to specific elements of these theories here. Then the research method used, by reference to CA, will be explained briefly while we will be finishing with the presentation of a few examples illustrating our main results about the rhetorical effects of narrative accounts of psychological harassment in the context of specific investigative interactions.

2. *Research context*

Our research context was provided by a public organization, the Commission des normes du travail (CNT), which is a Labour Standards Commission having its jurisdiction in Québec, Canada. People who have suffered for different reasons at work, can file complaints in front of that organism for psychological harassment, the complaints are then treated by professionals. Since 2004, it is possible in Québec for a worker (blue or white collar) to file such a complaint, with the aims of putting an end to the problematic situation. The law that clarifies the recourse determines the nature of manifestations that can be associated with psychological harassment; the text refers to notions such as "A vexatious behaviour in the form of repeated conduct, verbal comments, actions or gestures that are hostile or unwanted, that affect the employee's dignity or psychological or physical integrity and make the work environment harmful", (L.Q. 2002, c.80). This sentence includes a number of possible situations which resonates with workers who experience different forms of suffering in the workplace. These possible victims can then refer to CNT as a public office, even though the procedure will represent an enormous challenge for people who feel they were or still are being harassed at work.

We looked in particular at the method that was used by the CNT in the years immediately following the implementation of the law, between 2004 and 2008. In

those years, a professional of the Commission had to play the role of a psychological harassment investigator, having first to decide on the admissibility of the complaint, e.g. to see if the alleged facts described would justify an inquiry, before such a thorough inquiry would be conducted[i]. That first phase of the procedure would generally happen in a face-to-face interview with the plaintiff. It is in the frame of that conversation that complainants would have to demonstrate that the actually lived experience of suffering really could be understood as psychological harassment as the law defined it. The investigator had to decide if the set of facts presented and analyzed did meet or not the criteria for psychological harassment as currently defined.

In this first interview encounter, clearly the exchanges between plaintiff and investigator showed a rhetorical dimension: the plaintiff wanted to convince the investigator that he was in fact the victim of psychological harassment as the law defined it. As the following testimony shows, that interview is crucial, if the plaintiff is to have his-her status of being a victim recognized: « the CNT is my only resort. Elsewhere nobody wants to hear what I have been living. It is important for me to show that I am right and that I am the victim here. I am not inventing all this! » (Brun et Kedl401)[ii]. This is why the plaintiff needs to take an argumentative and rhetorical posture to obtain the adhesion of the investigator to his/her thesis: the manifestations that the plaintiff brings in recounting the events are clearly associated for that person with psychological harassment, and the rhetorical aim pursued seems to be that the investigator should accept that thesis. On the other side of the fence, the investigator will ask questions with the aim of verifying if the claims do fall under what has been defined as PH by the law.

3. *The notions of logos, ethos and pathos in rhetoric*

To be able to treat comprehensively the argumentative strategies deployed in this initial encounter between plaintiff and investigator, a theoretical frame had to be put in place that would be appropriate for the kind of process, here psychological harassment at the workplace. To be able to treat adequately what the actors actually do in the practical encounter that starts the process of treating the complaint, we will briefly examine two theoreticians of rhetoric and argumentation, Aristotle among the ancients and Perelman among more contemporary thinkers.

Aristotle's [384-322 av. J.-C.] core notions of *ethos*, *pathos* and *logos*, as they appear in *Rhetoric*, as we know are three technical means of persuasion. They are

still very relevant in a reflexive approach to argumentative strategies, even outside the strict relationship between a rhetor and an audience[**iii**]. Originally, rhetoric is preoccupied with day to day problems of the city, the rhetor will use discourse to obtain adhesion of the crowd, the people gathered in the public place. As we will see, the protagonists in argumentative interaction in the context of the initial encounter in the inquiry process are not without similarity with rhetors trying to persuade and obtain adherence of a public.

The three persuasive dynamics in Aristotle's rhetoric are convergent and complete each other; ethos for the character of the speaker that always has to be established, pathos because persuasion needs the emotional dispositions of the audience, and logos because discourse has to be rationally convincing. In this research every one of these dimensions has been found at play, in the interaction taking place in the context of a plaintiff's speech acts and reactions in the argumentative exchange, trying to ascertain if there was a valid possibility of psychological harassment. We can understand that the ethos of the speaker has an impact on the reception of his or her arguments (logos); the emotions or passions (pathos) that he or she will be able to elicit will also play a part, and these three dimensions will influence one another and the result obtained in differing ways.

The ethos has a great role to play inside rhetoric. "It is not true, as some writers assume in their treatises on rhetoric, that the personal goodness revealed by the speaker contributes nothing to his power of persuasion; on the contrary, his character may almost be called the most effective means of persuasion he possesses" (Aristotle, 1356a, 10-15). It is to ethos that Aristotle attributes the greatest capacity of influence on the audience. Persuasion is accomplished by character whenever the speech is held in such a way as to render the speaker worthy of credence, by establishing credibility and authority.

The way the speaker presents him or herself, for instance moral character and honesty, this has an effect to inspire confidence with interlocutors. In our experimentation and study of the exchanges, we could clearly see that the plaintiff does whatever he or she can to present his or herself in a better self-image, obviously to inspire confidence to the inquirer and to help with the adhesion of that person to the thesis of psychological harassment.

4. Perelman's notion of the audience's adhesion

Chaïm Perelman's (1912-1984) most famous book, *La nouvelle rhétorique, Traité de l'argumentation*, written with Lucie Olbrechts-Tyteca, was originally published in 1958. It breaks with the Cartesian notion of reason and renews a rapport with Aristotelian rhetoric. To clearly position themselves, the author begins the book with the following sentence: « The publication of a treatise devoted to argumentation and this subject's connection with the ancient tradition of Greek rhetoric and dialectic constitutes a *break with a concept of reason and reasoning due to Descartes* which has set its mark on Western philosophy for the last three centuries (Perleman and Olbrechts-Tyteca, 1969, p. 1).

Perelman and Olbrechts-Tyteca are adapting classical aristotelian problems in the epistemological context of the middle of the 20th century. Their work is focussing on the so-called dialectic proofs; Aristotle analysed them in the *Topics* while their usefulness was explained in *Rhetoric*. Aristotle understands dialectic as the art of reasoning on the basis of generally accepted opinions. For Perelman, dialectic is preoccupied with opinions, e.g. the theses to which we adhere with a varying intensity or degree. This is not to be understood as demonstrative work as in a logic-mathematical model. « With Aristotle and Perelman, argumentative rhetoric is turned towards the other with the aim of making him adhere to a claim: this is what can be called the persuasive language activity » (Charaudeau 3, our translation). It is in part on the basis of that notion of adhesion that the authors back the idea of practical reason. The New Rhetoric is based on the idea that "since argumentation aims at securing the adherence of those to whom it is addressed, it is, in its entirety, relative to the audience to be influenced" (1969, p. 19). He uses a number of examples to show how rhetoric was "a practical discipline," that was used to have a persuasive effect on an audience. The book examines the discursive techniques meant to augment adhesion, positing that this will produce attitudes and eventually action. The force of arguments is manifested related to the strength of adhesion by the audience to presented arguments. When rhetor and audience adhere because of the rhetor's creation of an audience-oriented presence (which is then augmented with argumentative techniques), the adherence provokes the audience to act in ways desired by the rhetor.

They still recognize the role of ethos and of emotions in the overall argumentative process, a point very useful to understand better the peculiar argumentative relation between plaintiff and professional. Rhetoric becomes a study of discourse

in the context of the study of communication relationships, by contrast to a previous notion according to which it was limited to the apprenticeship of being a good debater.

5. *Van Eemeren's and Walton's contributions*

Van Eemeren's pragma-dialectic approach had a tremendous importance to finally make the link between argumentation as rational contents and argumentation as processes. Similar remarks can be made for Walton's re-reading of the *fallacies*, we can now look at them as argumentative schemes, tools in interaction that can in some cases be abusive, but not all the time. These contributions were both very useful as part of our theoretical framework, since they look at argumentation into interaction processes in given situations.

While reworking (among other elements) the whole fallacy analysis tradition, Walton has since quite a few years added a new treatment of the role of emotion in argumentation, as a major theme of reflection. In *The Place of Emotion in Argument*, published in 1992, he discussed the rational value of such appeals. « The thesis of this book is that appeals to emotion have a legitimate, even important, place as arguments in persuasion dialogue, but that they need to be treated with caution because they also can be used fallaciously » (Walton, 1992, p. 1). Not only does he demonstrate that the appeal to emotion can be justifiable and acceptable in argumentation, but he also shows how they contribute to the fundamental goal of the argumentative discussion. Instead of dismissing these appeals as fallacious wherever they occur, as many have done and still do, Walton urges that each use must be judged on its merits. He also warns us against fallacious recourses that could hinder an efficient discussion process. He will explicitly refer and back himself up with a reference to the pragma-dialectic approach as developed by Van Eemeren and Grootendorst, referring to the 1984 book. « According to this new Pragma-Dialectic concept, a fallacy is a technique of argumentation that may in principle be reasonable but that has been misused in a given case in such a way that it goes strongly against or hinders the goals of dialogue » (p.18) For instance, in the context of our research, we could verify that the appeal to pity, *ad misericordiam*, which is present in the encounter between the plaintiff and the inquirer, can hardly be understood as fallacious, if we are to mean by this that it would be for the plaintiff a way to trump the inquirer's research, e.g. to lead him to error. In cases of misery that would be documented, we could not justifiably talk of argumentative abuse. Such an appeal to emotion

can certainly have a place in our argumentative context, provided the plaintiff is not using that argument to hide a lack of strength in the proof considered.

Especially important for us was the connection established by the Amsterdam school between pragmatics of speech acts and the dialectical point of view on critical discussion. Since we do not have a formal discussion here, it was not possible to systematically treat the corpus by using the ten rules for a critical discussion (Van Eemeren & Grootendorst, 1992; 2004). The pragma-dialectical theory regards argumentation as ideally being part of a critical discussion (see Van Eemeren & Grootendorst, 1984, p. 17). Here of course, we do not have a purely symmetrical dialogue but an inquiry process, which has an adversarial character (Walton, 2010). The inquiry does not aim at a reasonable resolution of a difference of opinion, but an authority has to judge on a complaint which is interested; even though this is not a judiciary process *per se*, it could serve as a basis for further endeavours of the kind. In a case like here, with plaintiffs and inquirers, it still is very helpful to consider, as in pragma-dialectics, argumentation as a communicative and interactional discourse phenomenon.

We did manage to find four stages that do bear a resemblance to Van Eemeren's phases in a discussion. As we recall, in Van Eemeren the four stages are:

1. Confrontation stage,
2. Opening stage,
3. Argumentation stage and
4. Concluding stage.

In our case, the four stages were the following.

1. Introduction, by each of the participants, of his or her frame of reference. This is where the inquirer explains what he or she will try to do, and the plaintiff will express the meaning as perceived of the complaint. It could be seen as a prelude to confrontation.
2. Discussion about the facts at hand, with formulations from one side, questions and answers. The plaintiff tries to build his or her own case, mostly with remarks of clarification from the inquirer.
3. Validation, by the inquirer, of the hypothesis previously constructed in the interview. During that phase, the inquirer directs more the process by working on this basis of a tentative conclusion already formulated
4. conclusion in terms of admissibility or not of the complaint. This will be a challenge for both parties; the decision will never be totally announced here, but

the general direction taken is given.

6. *Methodology of the research: conversation analysis*

With situations of potential psychological harassment, it is interesting to try and capture the relationships between people, and not to focus only on isolated utterances. We also tried to recapture impacts of one's utterances on the other and reciprocally, and for this some background references to speech act theory and pragmatics was useful and necessary. A rhetorical dimension of the complaint's narrative does take place in any case, whether it will result in success or in failure to convince. So to avoid letting important elements slip by, we chose a methodology that would make it possible to refer to pieces with sufficient precision and completeness.

Language produces an effect that is not only linked or limited to the description of reality, in terms of truth hood and falsity, but it also goes with force and impacts on co-locutors. Pragmatics of speech acts permitted to reorient philosophy of language towards the interlocutors, it also helps to stress the ethical dimension since we are in the domain of interpersonal relationships.

Such a contribution of pragmatics oriented us towards tools developed inside the family of methods regrouped into *Conversation Analysis*. The object of such an analysis is to describe procedures and expectations that help interactants to act while interpreting the other's conversational behaviour in the relationship, in an interplay of exchanges that is conversation. Conversation Analysis (CA), a research tradition that grew out of ethnomethodology, has some unique methodological features. It studies the social organization of 'conversation', or 'talk-in-interaction', by a detailed inspection of tape recordings and transcriptions made from such recordings. This way the researcher does not try to judge or qualify the ways by which the participants act, but focusses on the strategies they adopt to construct an understandable exchange. Harvey Sacks (1935-1975), considered to be the founder of this approach, is a sociologist that is interested, at the beginning of the 1960's, to the experience of everyday life. Sacks became interested in the structure of conversation while working at a suicide counseling hotline in Los Angeles in the 1960s. The calls to the hotline were recorded, and Sacks was able to gain access to the tapes and study them. By using comprehensive transcriptions of recordings of « ordinary language », Sacks sets himself the task to study without theoretical a priori, the interpretations that members had of what is happening « here and now ». He thus controls what he

could understand of the actions that constitute the talk turns of the interlocutors, by their mastery of natural language. In effect, the raw data as transcribed gives access to all the important details; not only the statements themselves, e.g. the contents of the speech turns, but also the tone of voice, errors, corrections, silences, onomatopoeias and noises on which interpretations are based by preceding speakers. This way it becomes possible to deduce certain social activity models since their properties are clearly ordained and observable. Conversation Analysis may then be conceived as a specific analytic trajectory which may be used to reach a specific kind of systematic insight in the ways in which members of society 'do interaction'. In their introduction to a collection of research papers, Heritage & Atkinson (1984) write: The central goal of conversation analytic research is the description and explication of the competences that ordinary speakers use and rely on in participating in intelligible, socially organized interaction. At its most basic, this objective is one of describing the procedures by which conversationalists produce their own behavior and understand and deal with the behavior of others. A basic assumption throughout is Garfinkel's (1967: 1) proposal that these activities - producing conduct and understanding and dealing with it -are accomplished as the accountable products of common sets of procedures.(Heritage & Atkinson (1984):1)

Conversation Analysis (CA) is the method chosen to analyse this research corpus, which includes four interviews taped on a digital recorder for audio support. This method is part of the social sciences, it requires the careful recording and the attentive transcription of the conversation in its details, in following the conventions developed by Gail Jefferson (Sacks, Schegloff et Jefferson 696-735). Gail Jefferson was, along with Harvey Sacks and Emanuel Schegloff, one of the founders of the area of research known as Conversation Analysis (CA). She is particularly remembered today for the methods and notational conventions she developed for transcribing talk. The system of notation widely used today in CA research bears her name. We are reproducing these transcription rules below to facilitate the understanding the analysis of the interviews.

7. CONVENTION USED IN TRANSCRIPTS

Symbol	Indication	Example
(())	Double parentheses are used to mark transcriber's description of events, rather than representations of them.	((cough)), (((whispered)))
(0.3)	Numbers in parentheses indicate elapsed time in tenths of seconds. The device is used between utterances of adjacent speakers, between two separable parts of a single speaker's talk, and between parts of a single speaker's internally organized utterance.	Yes (0.2) yeah
(.)	Indicates a short pause in the speaker's talk.	
[Single bracket indicates the point at which a current	A: quite a

7. *Convention used in transcripts*

Each of the interviews lasted approximately 2 hours, and were chosen with different inquirers, after having obtained all the necessary approvals by

the ethics committee. We chose to transcribe the parts of the interviews where there were important verbal interactive exchanges between the partners, and left on the side longer detailed descriptions of situations by the plaintiffs, for which the impact on the development of the exchange was less obvious. Parts that looked like monologues, turning most of the times on the narration of precise events, have not been transcribed, a choice also justified by the importance of the interactive material

covered, which encompassed more than a hundred pages; comparatively, parts not transcribed were much smaller overall.

	speaker's talk is overlapped by the talk of another.	B: [yeah
=	The equals sign (=) indicates 'latching'-i.e., no interval between the end of a prior and start of a next piece of talk. It is used for the relationship of a next speaker's talk to a prior speaker's talk.	A: that I'm aware of B: =Yes. Would you confirm that?
—	Underscoring indicates various forms of stressing and may involve volume.	What's up?
↑	The up arrows mark sharper rises in pitch	[are you responsible
XX	XX indicate that transcribers are not sure about the words contained.	Would you XX anything positive

Our task was descriptive, we wanted to document as much as possible the diversity and scope of the argumentative exchanges present in these particular situations, into which the plaintiff wants to make sure he or she puts everything in play with the aim of convincing the inquirer of the well founded character of the complaint for psychological harassment. Globally taken, the eight hours of interview assuredly permitted to document the most part of the argumentative tendencies specific to this research context. We will recall here some examples of the results that emerge from a deep analysis of the transcriptions. First, we will look at sections where the preoccupation of the plaintiff to present a favorable ethos can clearly be seen. After that, we will present some examples of emotion appeals, and in the following part, we will examine argumentative strategies that emerge in contexts where the inquirer is adhering to the thesis of the plaintiff, and others where there is no adhesion on the inquirer's part.

8. A plaintiff presenting a favorable ethos

Since we remember that for Aristotle, ethos is strongest of proofs (Rhétorique, 1356a), we can easily verify that the plaintiff takes care of his speech to be able to inspire confidence in the inquirer. He or she will put everything at work to show that he or she is worthy of belief, by a number of examples that show his or her good side. Here are two short examples in that regard. A translation from French to English is also provided.

Entrevue 1-A (97-102[iv])

P[v]: Je suis un employeur, j'en ai des employés maintenant pis j'ai été directeur pour Options Multi [ancien employeur] donc l'usine pendant plusieurs années,

donc j'sais ce que c'est que de rencontrer un employé quand on encadre une procédure qui se veut euh, réparatrice on va dire.

Interview 1-A (97-102)

P[**v**]: I am a director, I have employees now and I've also been a manager for Options Multi (ex-employer), so the factory, I know what it is to supervise a process that needs to be - hem - repairing somehow.

Entrevue 1-C (23-26)

P: Moi je suis arrivé au Québec en 89 avec 70 dollars sur moi. J'ai commencé comme désosseur chez Options Multi ↑, pis graduellement à force de cours je suis monté. Chu, euh, défini comme un généraliste, avec (.) naïf et très axé RH.

Interview 1-C (23-26)

P: I arrived in Quebec in 89 with 70 dollars. I started with boning chickens at Options Multi ↑, then gradually I climbed up, with following courses. I am -hem - defined as a generalist, with a naïve (.) and centered on HR.

Entrevue 2-C (86-100)

P: OK, j'aimerais bien, si c'est, euh, si c'est vraiment, bon ce qui m'a fait, il se peut que c'est avec, avec d'autres, d'autres filles. Donc, qui sait, c'est son harcèlement, c'est-à-dire, euh, même si, même si moi c'est fini, il m'a congédié et tout, mais au moins qu'il doit savoir, euh, c'est-à-dire, euh, comment faire avec les autres, les autres employés

E2: [Qu'il en tire un petit peu une leçon de ça

P: C'est ça, qu'il tire, c'est ça

E2: Mm

P: L'essentiel, euh, même s'il m'a, il m'a congédiée, moi y a pas de problème.

Interview 2-C (86-100)

P: OK, I'd like, hem, if it, if it's really what he did, what he did to me, it might be that the same goes with, with other girls. So, who knows, his harassment, even if, even if for me it is over, he fired me and all, at least he should know, hem, how to do, with the other employees

I2[**vi**]: [He should get some lesson of that

P: Yeah, he should, yeah

I2: Mm

P: The important thing is, hem, even if he fired me, for me this is not a problem

The examples taken from interview 1 and 2 show the importance of presenting a favorable ethos by the plaintiff. The two first examples put ahead a plaintiff centered on « human relations », who explains how he knows to treat correctly his employees, he also worked very hard to get to where he is now. He presents the ethos of a good employer that is also a good worker. The third example presents a plaintiff who declares she makes a complaint not for herself, but for female colleagues that possibly suffer the same fate. She thus shows a decentered attitude, an element that certainly can give a boost to her own ethos in front of her interlocutor.

These favorable representations of the plaintiff's ethos certainly can have an impact on the interviewer, at least they are intended thus, as if the fact of establishing trust and credibility in front of the interviewer would conduct him or her to judge favorably on her behalf in future interventions. But we should also note that this establishing of a favorable ethos is frequently put to the test in the remainder of the interviews. The inquirer will check by asking for precisions; for instance, about the last example, the following of the interview led the plaintiff to fairly contradict herself in this presentation of this altruistic «ethos». In the following she describes to which point she was in conflict with those women, for whom she supposedly is pursuing the complaint, wanting to defend them. The interview's structure, by its numerous validations and its continual asking for details, can certainly put in jeopardy an apparent construction of a favorable ethos by and in the complainant. We should also note that such is not the aim of the interview, even if to appreciate admissibility of the complaint can destabilize a plaintiff involved in a complex process of validation that is demanding for anyone.

9. Appeal to emotion

Generally speaking, the plaintiff's discourse is charged with emotions which are revived in the process of narrating the events previously lived, by which they are recalled. Three out of four plaintiffs cried in their narrative, by which they kind of relieved the suffering that they wanted to denounce.

Entrevue 1-C (14-22)

P : J'ai jamais cru, madame, que j'allais (.) être si vidé. [...] J'ai jamais cru (.) les premières semaines là madame, je me levais (.) je me recouchais (.) je me levais le midi, je me recouchais, je mettais mon cadran, pour que mon ami ne me trouve pas couché en entrant (.). Et je me suis complètement, je n'avais, d'abord j'ai jamais été congédié (.)

Entrevue 2-G (21-49)

P : C'est à ma grande surprise, là, quand j'ai vu ça, c'est pour ça que j'ai eu un choc, euh, émotif.

E2 : Ça, ça vous a vraiment,

P: [Ah vraiment

E2: [Ça vous a vraiment renversée

P: Ah, mon dieu

E2: [bouleversée

P: J'ai pleuré, j'ai pleuré ↑, pis, euh, il me demande de continuer. Je n'arrivais plus, je suis rentrée aux toilettes, j'ai lavé mon visage, mais je pouvais plus, je, je pouvais pas finir, parce que

E2: [Le choc, le choc était grand

P: [Moi, comme ça? ↑ Moi ceci, moi cela ↑, c'est comme, je n'arrivais pas, non, non, ah c'était trop fort.

E2: Ça, ça vous a fait comme un choc, enh?

P: Mon dieu, mon dieu. Maintenant ça va, je suis plus, plus forte, mais les premiers temps ↑, j'ai pleuré, j'ai pleuré, j'ai pleuré, mais c'était vraiment ((la plaignante pleure))

Interview 1-C (14-22)

P : I never would have believed that I would be so (.) exhausted.. [...] I never believed (.) the first weeks ma'am, I would get up (.) than lie down again (.) I got up at noon, would get back to bed again, I would set my alarm clock, for my boyfriend not to find me in bed while coming in (.). And I was completely, I was, I never was fired in the first place before. (.)

Interview 2-G (21-49)

P : This was a big surprise, when I saw that, this is why I had an emotional shock.

I2[vi] : So this was really,

P: [Ah really

I2: [You really were bowled over

P: Oh my goodness

I2: [devastated

P: I cried, I cried ↑, and then ah, he asks me to continue. I couldn't, I got inside the toilet, I washed my face, but I could not, I could finish because

I2: [The shock, the shock was too great.

P: [Me, being like that? ↑ Me this, me that ↑, it's like, I couldn't, nah, that was too

much, too strong.

I2: This gave you a shock, han?

P: My, oh my. Now it's ok, I am more, more strong, but at beginning, in the first times ↑, I cried, cried, and cried, it was so
(the plaintiff cries)

Even if sometimes recourses to emotion denote a lack of contextualization or of nuances regarding what provoked the situation, they document and make concrete what has been lived, while at the same time they contribute to facilitate a better understanding for the inquirer of what happened to the plaintiff. The emotion appeal of the quote from interview 1 renders available to the interviewer the suffering lived by the plaintiff; her illustrations reinforce the credibility of that appeal. As for the second quote, the call to emotion by the plaintiff is provoked in particular by the narrative of an attack on her integrity ([Me, being like that? ↑ Me this, me that ↑, it's like, I couldn't, nah, that was too much, too strong. The emotion was revived by the recalling of the hurting that comes in the narrative of the hurting and cries of the employee, while confirming the importance of the attack on her integrity.

10. Argumentation which is typical in cases of the inquirer's adhesion

By studying their owl process carefully, we saw clearly that two of our four inquiries led to a conclusion of admissibility and two led on the contrary to a decision of non admissibility, and each set had specific characteristics that are worth recalling here. The fact that the inquirer concluded to the admissibility means he adhered in good part to the thesis held by the plaintiff in terms of in terms of Psychological Harassment in the work place. In the case where inquirers concluded to the contrary, this conclusion shows that the inquirer did not associate the claims of the plaintiff with the definition of psychological harassment as it is clarified by the law that gives a frame to the treatment of complaints. Let us look now more closely at the argumentative strategies that are present in each of these sub-sets, in the cases of adhesion and non-adhesion. After a number of readings the four interviews, we could ascertain that the tones employed by the partners in the exchange were certainly not the same and we could underscore some tendencies that will be identified and commented briefly here. We will start by the interviews that led the inquirer to adhere to the thesis of the plaintiff.

10.1 Expressions of doubt and shame by the plaintiff

One of the lead authors on the issue of psychological harassment, Marie-France Hirigoyen (1998, 2004) documented in good part what distinguishes victims of psychological harassment of those that experience different problematical situations present in the work place but not associated to PH as such as defined by the different laws. She observed that the speech acts of “true” victims of PH are marked with uncertainty regarding the victim’s role in the situation; the complaint of the victim is punctuated with self-doubt in a person that wants to end his or her torment. This is something that is confirmed in our corpus, as we can see in the first interview that is particularly expressive on that point.

Entrevue 1-C (50-53)

P : [Une fois arrêté, j’étais comme complètement incapable de réagir et je me suis mis à (.) d’abord je me sentais extrêmement coupable (.) euh, et puis (.) je n’avais vraiment plus, j’avais plus de moral, ça n’allait plus.

Entrevue 1-E (46-51)

P : Parce qu’avec le recul, voyez-vous (.) si y a quelque chose que je me suis beaucoup reproché (.) qui je crois m’a fait complètement perdre pied, c’est de pas avoir mis, avoir eu la force d’y mettre un oh là. Vous savez, j’ai pas été capable de (.) j’étais déjà fatigué et j’ai pas été capable de l’arrêter.

Interview 1-C (50-53)

P : [Once it stopped, I was completely unable to react and I started to (.) first I felt extremely guilty (.) hem and then (.) I really did not have, I had no spirit, I did not work.

Interview 1-E (46-51)

P : Because as time passed, you see (.) if there is something I really regretted (.) is that he made me lose footage, it is that I couldn’t, I did not have the strength to put an end to it. You know, I was unable to (.) I was tired already and unable to stop him.

We see clearly in the narrative expressions of self-doubt, guilt and even shame and regret, not for having somehow provoked the harasser’s behaviour, but to stand up and make the person stop that disturbing behaviour. This self-questioning coincides clearly with a documented characteristic in the victim’s experience; the person loses ground, his/her identity is under attack and the person can hardly keep a good judgement on the situation. That self-doubt in the

situation of harassment is what permits the conflict to perpetuate, most of the times until the person is fired or has to leave for health reasons. On the contrary here, the expression of this self-doubt seems very close to an *ad misericordiam*, even if it is hardly of that kind. The argument seems to function this way: by trying to find his or her responsibility in the situation, the plaintiff shows good faith to the inquirer, an element that rejoins some common sense on shared responsibilities in conflicts. But since this part of responsibility will prove to be absent in the case as presented by the plaintiff, the inquirer/judge has to shift the burden of guilt somewhere.

11. *Characteristics of argumentation in cases of non adhesion*

When the inquirer does not conclude to psychological harassment, the person is not adhering to the thesis of the plaintiff. The analysis of the corpus showed that the whole development of the interview takes a very different shape in those cases. The plaintiff did not convince the inquirer that the actions of the employer or of the co-worker were something else than just ordinary conflict, that might have to do with ordinary work constraints. We will describe here the main characteristic of this expression of non admissibility of a complaint for psychological harassment.

11.1 *Expressing a work conflict and professional constraints*

In what qualifies as a simple conflict at work, reproaches are identified explicitly and the protagonists manifest their hostility in an almost equal manner. For instance, if a person feels too much pressure at work, or conversely if a manager finds some worker not efficient enough, expressions will occur of these malaises. There is no such symmetry in situations of psychological harassment.

Entrevue 2-H (55-65)

P : [...] mais de toute façon, y avait pas un bon, une bonne relation, ni de travail, ni, euh, je la voyais de toute façon comment qu'elle, euh, comment qu'elle me regarde, comment qu'elle euh, de toute façon, c'est comme euh, à peine si je, je lui dis bonjour, din fois elle me répond même pas, donc, euh.

Mais ce n'est pas cette façon c'est, moi je pense que c'est pas la seule, c'est dans leur éducation, quelques-unes, jamais elles disent bonjour. C'est pas parce que ils m'en veulent ou quelque chose, mais c'est dans leur éducation.

Entrevue 3-B (148-149)

P: Ouais, il a explosé. Comme si ça faisait un moment qu'il me supportait pas [...].

Interview 2-H (55-65)

P : [...] in any case, it was not good, there was no good relation, of work, or of hem, I saw anyway how she looks at me, how she, in any way, it is like hem, I barely, hem, I say hello, sometimes she does not even answer me, so hem.

But it is not that way it's, me I think it is not the only, it is in their education, some of them, they never say hello. It is not because they have something against me, it is just in their education.

Interview 3-B (148-149)

P: Yes, he exploded. As if it's been coming a long time, he couldn't stand me [...].

By these and other elements not reproduced here, we see that the plaintiff of Interview 2 denounces a cultural situation, she blames the education of the colleagues, who did not have the same upbringing (her interpretation of the wrongful behaviour) and she does not see anything else in the fact that they did not salute her. There seems to be a symmetry in the conflict, she herself admits that something else than PH is going on here. The quotes from interviews 2 and 3 illustrate situations of conflict that are not in a dominant-dominee frame where the one leading the conflict would try to submit the other to the point of leading the person to loose or doubt her or his identity.

12. Conclusion

Differences of tones are present that do play a part on the inquirer's decision for the admissibility or not of the complaint. Some strategies were quite obviously put in place, around ethos, pathos and logos; we saw some examples of appeals to ethos on the plaintiff's side, but there were also some that were present on the inquirer's side - for instance, explaining the limits of what can be done, the professionalism the person was going to put in place. Adhesion is certainly a crucial element to be obtained along the process. Since the procedure has been replaced by a form which is less personal, it would be impossible to enlarge the data set to verify some recurrences already identified.

NOTES

i. We should note that the admissibility phase has been conducted differently since 2009. Currently, the plaintiff would deposit his/her complaint on the website of the CNT or by phone. After that, the admissibility of the complaint is treated

for a good part by phone. Our goal in the research was not to compare methods or to evaluate the interview procedure, but just to know it better with the aims of situating its resources from a rhetorical and analytical point of view.

ii. « Je n'invente pas toute cette histoire! » - As everywhere else in the document, the original material was in French, and the translations in English are provided by the authors.

iii. Most of the times, Aristotle talks about the « audience » in Rhetoric, but there is reference to a « judge-auditor », a notion relevant in our context where an orator speaks to one auditor/listener who has a mandate to take a decision.

iv. Numbers represent the chosen segment in the 1-A interview.

v. P stands for the plaintiff.

vi. Ibid.

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